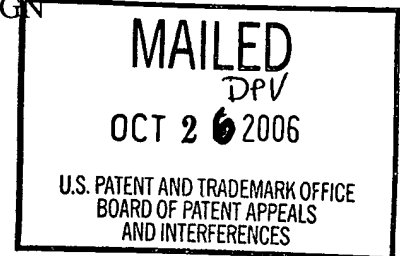


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: JALALUDEEN CA and NANDAKUMAR GN

Application No. 09/876,568



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on October 12, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

EXAMINER'S ANSWER

Evidence of Record

On May 3, 2006, an Examiner's Answer was mailed in response to the Appeal Brief received February 16, 2006. A review of the Examiner's Answer reveals that it is not in compliance with the Manual of Patent Examining Procedure (MPEP). The Examiner failed to

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identify all the "Evidence Relied Upon" (section 8), as required, including the Thurrott reference relied upon in the rejections of the claims. In accordance with MPEP § 1207.02, the "Evidence Relied Upon" (section 8) should include:

(8) Evidence Relied Upon

A listing of evidence relied on (e.g., patents, publications, admitted prior art), and in the case of non-patent references, the relevant page or pages.

Correction of the record is required.

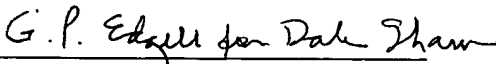
CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the examiner for:

- 1) issuing a revised Examiner's Answer to include the all of the prior art citations relied upon in the rejections of the claims, as set forth under MPEP § 12.07.02; and
- 2) any further action as deemed appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES


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DMS/dpv

Application No. 09/876,568

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